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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE CENTRAL DISTRICT OF CALIFORNIA
11 SOUTHERN DIVISION
12

13 **XINGFEI LUO,**

14 Petitioner,

15 v.

16
17 **THE PEOPLE OF THE STATE OF
CALIFORNIA,**

18 Respondent.
19

8:22-cv-01640-MEMF-KES

**MOTION FOR AN EXTENSION
OF TIME TO FILE RESPONSE TO
THE AMENDED PETITION FOR
WRIT OF HABEAS CORPUS AND
SUPPORTING DECLARATION**

Judge: The Honorable Karen E.
Scott

Action Filed: 9/06/2022

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21 Respondent respectfully requests an extension of time to file a response to the
22 Amended Petition for Writ of Habeas Corpus. The response is presently due
23 November 1, 2023. Respondent requests that the time to respond be extended
24 fourteen days to and including November 15, 2023, for the reasons provided in the
25 accompanying Declaration.
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1 Dated: October 25, 2023

Respectfully submitted,

2 ROB BONTA
3 Attorney General of California
4 CHRISTOPHER P. BEESLEY
Supervising Deputy Attorney General

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6 /s/ Michael D. Butera
MICHAEL D. BUTERA
7 Deputy Attorney General
Attorneys for Respondent

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DECLARATION OF MICHAEL D. BUTERA

Michael D. Butera, declares:

I am the Deputy Attorney General assigned to prepare the response in this matter, which is due November 1, 2023.

Luo filed an Amended Petition on June 22, 2023. (Doc. 33.) I have received one sua sponte extension from this Court on July 27, 2023 (moving the response date to August 1, 2023) and two requested extensions, totaling ninety-two days. During that time, I have completed the Respondent's Briefs in *People v. Salas* (E080179), *People v. Williams* (D080892), *People v. Coleman* (G061950), *People v. Johnson* (D081705), *People v. Mares* (E080611), and *People v. Patterson* (D081455) as well as a federal habeas corpus Answer in *Scott v. Cates* (3:22-CV-01101) and oral argument in *People v. Burns* (D080779).

In addition to these assignments, I have worked diligently and made significant progress on the instant response. I have completed my substantive analysis responding to all thirty-five claims raised in the Amended Petition, and have sent an initial draft of my Memorandum of Points and Authorities for supervisory review. However, given the size of the briefing as well as the number and complexity of issues raised, I respectfully request an additional fourteen-day extension to finalize the response. I believe this extension will ensure an adequate opportunity to complete my Office's internal review and formatting procedures, as well as allow sufficient time to incorporate any substantive or organizational revisions and prepare any additional lodgments needed.

This case remains my top priority, and I believe this extension of time will provide sufficient time to complete a response to the instant Petition that will be helpful to this Court in its resolution of the issues.

For the foregoing reasons, I respectfully request the time to respond be extended fourteen days to and including November 15, 2023.

1 I declare under penalty of perjury under the laws of the United States of
2 America that the foregoing is true and correct.

3 /s/ Michael D. Butera
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CERTIFICATE OF SERVICE

Case Name: **Luo v. The People of the State
of California**

No. **8:22-cv-01640-MEMF-KES**

I hereby certify that on October 25, 2023, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**MOTION FOR AN EXTENSION OF TIME TO FILE RESPONSE TO THE AMENDED
PETITION FOR WRIT OF HABEAS CORPUS AND SUPPORTING DECLARATION**

Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

I further certify that some of the participants in the case are not registered CM/ECF users. On October 25, 2023, I have caused to be mailed in the Office of the Attorney General's internal mail system, the foregoing document(s) by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within three (3) calendar days to the following non-CM/ECF participants:

Xingfei Luo
P.O. Box 4886
El Monte, CA 91734
Petitioner in Pro Se

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on October 25, 2023, at San Diego, California.

K. Yeoun
Declarant

/s/ K. Yeoun
Signature